

Art Unit: 2121

F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-130 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,181,981 B1.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the patent set forth only an individual compartment within a vending machine whereas the instant application is claiming a plurality of compartments. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the individual compartments as claimed in the '981 B1 patent so that there could be a plurality of compartments with different products contained within. Further, one of ordinary skill in the art at the time of the invention would have recognized that a vending machine should carry more than a single product or types of products. The advantage would be to pump up sales within the various vending machines.

### Correspondence Information

Any inquiries concerning this communication or earlier communications from the

Art Unit: 2121

examiner should be directed to **Emanuel Todd Voeltz** who may be reached via telephone at **(703) 305-4563**. The examiner can normally be reached Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send an Official facsimile transmission, please send it to **(703) 872-9306**.

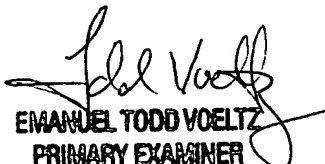
If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-5104**.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **Anthony Knight**, may be reached at **(703) 308-3179**.

Any response to this office action should be mailed too: **Director of Patents and Trademarks Washington, D.C. 20231**.

Moreover, hand-delivered responses should be delivered to the Receptionist, located on the **fourth floor of Crystal Park 11, 2121 Crystal Drive Arlington, Virginia**.

*Emanuel Todd Voeltz*  
Primary Patent Examiner  
Art Unit 2121  
United States Department of Commerce  
Patent & Trademark Office

  
**EMANUEL TODD VOELTZ**  
**PRIMARY EXAMINER**